

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARIO SOTO,

Plaintiff,

v.

Civ. No. 20-396 KG-GBW

METROPOLITAN DETENTION CENTER, *et al*,

Defendants.

ORDER OF DISMISSAL

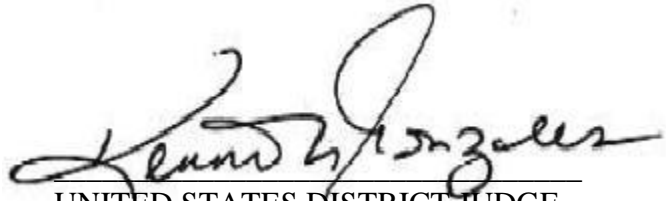
This matter is before the Court following Plaintiff's failure to prosecute his Prisoner Civil Rights Complaint (Doc. 1). Plaintiff is a detainee at the Metropolitan Detention Center (MDC). On April 22, 2020, he filed a letter-complaint based on MDC's failure to provide COVID-19 testing, masks, protective equipment, and cleaning supplies. The pleading was signed by 21 detainees, and there is no way to evaluate whether any individual is subject to an unreasonable risk of harm. On April 24, 2020, the Court directed Plaintiff to refile his claims on the proper 42 U.S.C. § 1983 form and allege individualized facts explaining why his conditions of confinement are unconstitutional. (Doc. 2). The Order also directed Plaintiff to either prepay the \$400 civil filing fee, or alternatively, file a motion to proceed *in forma pauperis* along with a six-month account statement. *See* 28 U.S.C. § 1915(a)(2).

The deadline to cure both deficiencies was May 25, 2020. The Order warned that the failure to timely address the filing fee and refile an individual civil rights complaint would result in dismissal of this case without further notice. (Doc. 2) at 2. Plaintiff did not comply or otherwise respond to the Order. Accordingly, the Court will dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003)

(“Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff’s failure to prosecute or comply with the ... court’s orders.”).

IT IS ORDERED:

1. Plaintiff’s Civil Rights Complaint (Doc. 1) is dismissed without prejudice.
2. The Court will enter a separate judgment closing the civil case.



UNITED STATES DISTRICT JUDGE